

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS & AMENDMENTS

Claims 1-14 were pending in this application when last examined.

Claims 1-5 and 13 have been examined on the merits, and stand rejected. Claims 6-12 and 14 are withdrawn from consideration as non-elected subject matter.

The present amendment amends claim 1-3.

The present amendment cancels claims 4 and 6-14 without prejudice or disclaimer thereto. Applicants reserve the right to file a continuation or divisional application on any cancelled subject matter.

Claims 1-3 and 5 are now pending in this application.

Claims 1-3 have been amended to recite "an isolated human protein" or "an isolated human gene" as suggested by the Examiner. Support for this amendment can be found in the specification, for example, at page 5, lines 5-18.

Therefore, no new matter has been added by this amendment.

II. INFORMATION DISCLOSURE STATEMENT

Attached is a copy of the Form PTO 1449 previously submitted with the Information Disclosure Statement dated May 10, 2001. Kindly consider and return an Examiner-initialed copy of the Form PTO 1449.

III. REJECTION UNDER 35 U.S.C. § 101

Claims 1-4 stand rejected under 35 U.S.C. § 101, because the claimed invention is directed to non-statutory subject matter. See Office Action, page 2.

The present amendment adding the term “an isolated” to the claims is deemed to overcome this rejection. Therefore, the rejection of claims 1-4 under 35 U.S.C. § 101 is untenable, and should be withdrawn

IV. REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

Claims 4 and 13 are rejected under 35 U.S.C. § 112, first paragraph, for a lack of written description support. See Office Action, page 3.

The present amendment cancelling these claims obviates this rejection.

V. REJECTIONS UNDER 35 U.S.C. § 102

Claim 4 is rejected under 35 U.S.C. § 102(b), as allegedly anticipated by Yu et al. (1997). See Office Action, page 4.

Claims 4 and 13 are rejected under 35 U.S.C. § 102(b), as allegedly anticipated by Andersson et al. (1996). See Office Action, page 4.

The present amendment cancelling the rejected claims obviates these rejections.

VI. ALLOWABLE SUBJECT MATTER

Applicants acknowledge with thanks the Examiner’s indication that claim 5, while objected to for being dependent upon a rejected base claim, would be allowable if rewritten in independent form. See Office Action, page 4.

The present amendment is deemed to overcome this rejection by obviating the rejections of the independent claims.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is now in condition for allowance and early notice to that effect is hereby requested.

If it is determined that the application is not in condition for allowance, the Examiner is invited to telephone the undersigned attorney at the number below if he has any suggestions to expedite allowance of the present application.

Respectfully submitted,

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